

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Innotext, Inc.,

Plaintiff,

v.

Case No. 08-11077

Petra Lex USA, Inc., *et al.*,

Honorable Sean F. Cox

Defendants.

ORDER GRANTING IN PART,
AND TAKING UNDER ADVISEMENT IN PART,
DEFENDANT'S RULE 50 MOTION

Plaintiff asserts the following four counts in this action: “Breach of Contract” (Count I); “Violation of MCLA § 600.2961” (Count II); “Breach of Implied Contract” (Count III); and “Unjust Enrichment/Procuring Cause” (Count IV).

At close of Plaintiff’s proofs on June 28, 2010, Defense Counsel made an oral motion pursuant to FED. R. CIV. P. 50(a). The Court heard oral argument on the motion on June 28, 2010. In addition, on June 29, 2010, Defendant filed a brief in support of its motion. (Docket Entry No. 70). On June 30, 2010, Plaintiff filed a brief in opposition to the motion. (Docket Entry No. 71).

IT IS HEREBY ORDERED that Defendant’s Rule 50 Motion is GRANTED as to Counts I, II, and III.

IT IS FURTHER ORDERED that, given the Court’s rulings on Plaintiff’s contract claims, the “procuring cause doctrine” has no application in this action.

IT IS FURTHER ORDERED that the remainder of Defendant’s Rule 50 Motion, relating

to Plaintiff's Unjust Enrichment claim (Count IV), is UNDER ADVISEMENT.

A written Opinion shall be issued forthwith.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: July 2, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 2, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager